IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1161 of 1996

Between:

1 Chandrauiah S/O. Jangaiah
2 Anthaiah S/O.Lachaiah
3 Yenkaiah S/O.Lachasiah
4 Yellaiah S/O.Pailaiah
5 China pailaiah S/O.Janaiah
6 Balraj S/O.Chandraiah
7 Jangaiah S/O.Chandraiah
8 Mai saiah S/O.Anthaiah
9 Manaaiah S/O.Anthaiah
10 Rukumuddin S/O. Madarsasb

..... PETITIONERS

AND

1 The District Collector
RR Dist Hyderabad.
2 The Mandal Development Officer
Mandasl Praja Parishad, Pudoor Mandal
Pudur, R.R. DIST
3 The Asst. Engineer
Mandal Praja Parishad Pudoor Mandal
R.R.DIST
4 The Sarpanch And Authority
Kankalgram Panchyat, Pudoor Mandal
R.R.DIST

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction especially one in the nature respondents 1to4 herein to initiate proceedings under the land acquisition at any compensation to the petitioner for the and taken over for laying road in sy.no.272,293,311,300 310,294/a,274/aa&296/aa situated at kankal village pudoor mandal R.R.dist to an extent as.no20 gts out the above survey numbers to

petitioners.

Counsel for the Petitioner: MR.S.R.DESHMUKH

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.1161 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus directing the respondents to initiate land acquisition proceedings and to pay compensation for the lands on which road was laid from survey Nos.272, 293, 311, 300, 310, 294/AA, 274/A, 274/AA and 296/AA situated at Kankal village, Pudoor mandal of Ranga Reddy District.

It is the case of the petitioners that they are the pattedars and possessors of the agricultural land in the above mentioned survey numbers. On the ground that the respondents, without initiating proceedings under the Land Acquisition Act and without paying any compensation, have laid road from Kankal village to Pudugurti village through the lands of the petitioners affecting an extent of Ac.6.20 guntas of land, they approached this Court by way of this writ petition.

In the counter filed on behalf of the respondents 1 to 3 it is stated that there existed a car track passing through the said lands from Kankal to Pudugurty. It is further stated that during the implementation of the government programme namely ‘Prajala vaddaku Palana’, villagers and pattedars have consented for formation and upgradation of existing road between Kankal and Pudugurty villages by Sharamadanam. Further it is stated that the said project was taken up only with the consent of the pattedars.

In view of the consent given by the pattedars for formation and upgradation of the existing road, the petitioners cannot ask for compensation. Though no proceedings

are initiated under the Land Acquisition Act, inasmuch as the very consent was given by the writ petitioners, who are pattedars, as stated in the affidavit filed by the respondents, no relief as prayed for in the writ petition, can be granted. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

_____

(JUSTICE R.SUBHASH REDDY)

Dt.23.02.2005.

Mdaa.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector
RR Dist Hyderabad.
2 The Mandal Development Officer
Mandasl Praja Parishad, Pudoor Mandal
Pudur, R.R. DIST
3 The Asst. Engineer
Mandal Praja Parishad Pudoor Mandal
R.R.DIST
4. Two C.Cs to G.P.for Land Acquisition, High Court of A.P., Hyderabad(OUT).

5) 2 CD copies

*Form-NIC-OGS/WP{**VEENA**}*